

Notice of Allowability

Application No.

10/615,142

Applicant(s)

MENASCE ET AL.

Examiner

Allahyar Kasraian

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment After Final on 09/19/2007.
2. ☒ The allowed claim(s) is/are 1,2 and 4-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Remarks

1. The new title, "A METHOD AND SYSTEM FPR PROVIDING FAULT TOLERANCE IN A NETWRK" is accepted.
2. Corrections to the drawing are accepted and received on 05/07/2007.
3. Applicant is responsible to correct any error in the specification.

Allowable Subject Matter

4. **Claims 1-2,4-11,12 and 13** are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Consider **claim 1**, the best prior art found during the examination of the present application, **Pecone (U.S. Patent # 7,062,591 B2)** fails to specially disclose, teach or suggest a port for connecting to switching fabric comprising a fault mode control (see FIG. 4 for control 214) operably coupled to the first bus and the second bus for selectively configuring the port as at least one of a first interface, a second interface and a third interface in combination with other limitations, a plurality of signal resources dividable into at least a first resource subset (see FIG. 4 for Switched PCIX Path 208) and a second resource subset (see FIG. 4 for Switched PCIX Path 212) a first bus having a first bus section (see FIG. 4 for the bus connected between blocks 208 and 144a and the first bus subsection connected to block 216) connected to the first resource

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subset (see FIG. 4 for block 208) and the second bus section connected to the second resource subset; a second bus connected to the second resource subset (see FIG. 4 for the bus connected between blocks 144b and 212, and the second bus section connected to block 216); said first interface (see FIG. 4 for Bus Interface port 144a) incorporating said first resource subset (see FIG. 4 for Switched PCIX Path 208)... said second interface (see FIG. 4 for PCIX Interface 236) incorporating said first resource subset (see FIG. 4 for Bus Interface 144b) and said second resource subset (see FIG. 4 for Switched PCIX Path 212), said third interface (see FIG. 4 for Bus interface Port 144b) incorporating said second resource subset (see FIG. 4 for Switched PCIX Path 212).

Consider **claim 12**, the best prior art found during the examination of present application, **Gronke (U.S. Patent Application Publication # U.S. 2002/0071386 A1)** fails to disclose a network comprising a plurality of endpoints, each having **the port of claim 1** in combination with other limitations.

Claim 13 is allowed for the same reason(s) as set forth in **claim 1**.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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- a. Benson et al. (U.S. Patent Application Publication # 2004/0168008 A1) discloses High speed multiple ported bus interface port state identification system.
- b. Murotani et al. (U.S. Patent # 6052795 A) discloses Recovery method and system for continued I/O processing upon a controller failure.
- c. Avery (U.S. Patent # 6691185 B2) discloses Apparatus for merging a plurality of data streams into a single data stream.
- d. Thomas et al. (U.S. Patent # 6038288 A) discloses System and method for maintenance arbitration at a switching node.
- e. Hoch et al. (U.S. Patent Application Publication # 2002/0080723 A1) discloses Apparatus and method for flow path based fault detection and service restoration in a packet based switching system.
- f. Abbiate et al. (U.S. Patent # 6661786 B1) discloses Service message system for a switching architecture.
- g. Hiscock et al. (U.S. Patent # 6195351 B1) discloses Logical switch set.
- h. Boggess et al. (U.S. Patent # 6674971 B1) discloses Optical communication network with receiver reserved channel.
- i. Drott et al. (U.S. Patent # 6343067 B1) discloses Method and apparatus for failure and recovery in a computer network.

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j. Lindstrom (U.S. Patent Application Publication # 2003/0090997 A1)

discloses Arrangement and method for protection switching.

k. Scott et al. (U.S. Patent # 6865157 B1) discloses Fault tolerant

shared system resource with communications passthrough

providing high availability communications.

7. Any response to this Office Action should be **faxed to** (571) 273-8300 or

mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from

the Examiner should be directed to Allahyar Kasraian whose telephone

number is (571) 270-1772. The Examiner can normally be reached on

Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful,
the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on

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(571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Allahyar Kasraian
A.K./ak

October 23, 2007


Rafael Perez-Gutierrez
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10/25/07